

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL W. HARTMAN

Appeal No. 97-4081
Application 08/379,793¹

ON BRIEF

Before PATE, NASE and CRAWFORD, Administrative Patent Judges.
PATE, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed January 27, 1995.

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This is an appeal from the final rejection of claims 1 through 8. These are the only claims in the application.

The claimed invention is directed to stabilizing feet for tables. With reference to Figure 2 of the drawings, connected to two feet of the table are pistons which are movable in cylinders in the supporting legs of the table. Two adjacent cylinders are interconnected by a fluid passage, so that fluid can flow from one cylinder to another to stabilize the table.

A further understanding of the claimed subject matter can be had by reference to claims 1 through 8 appended to appellant's brief.

The reference of record relied upon as evidence of anticipation and obviousness is:

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| Chatenay épouse Compagnone | 4,754,713 | July 5, 1988 |
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REJECTIONS

Claims 1 through 5 stand rejected under 35 U.S.C. § 102 as anticipated by Chatenay épouse Compagnone.

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Claims 6 through 8 stand rejected under 35 U.S.C.
§ 103 as unpatentable over Chatenay épouse Compagnone.

OPINION

We have carefully reviewed the rejections on appeal
in light of the arguments by the appellant and the examiner.

As a

result of this review, we have determined that the reference
does not provide sufficient evidence to anticipate claims 1
through 5,

and does not establish a prima facie case of obviousness with
respect to claims 6 through 8. Accordingly, the rejections of
claims 1 through 8 are reversed. Our reasons follow.

The following represents our findings of fact with
respect to the Chatenay épouse Compagnone reference. With
respect to Figure 1, the reference discloses a table platform
1 having supports comprised of a rigid rod 5, 6 and 7, 8 and
adjustable cylinder jacks 9, 10 and 11, 12. The reference
discloses that the jacks could be of a screw type controlled

by an electric motor or hydraulic jacks controlled by a pump. See column 5, lines 24 through 33. In the instance where the cylinders are hydraulic, the cylinders would be composed of a piston slidably mounted therein with one part of the cylinder or piston contacting the contact surface via the agency of wheel 25. It must be emphasized that in the hydraulic embodiment, the cylinders of the reference would be "in fluid communication" with the pump "to allow the contact surfaces to extend or retract relative to the respective supports." While claim 1 and the claims dependent thereon do not require the cylinders to be in fluid communication with one another or be interconnected by a conduit, they do require that the cylinders extend or retract equally and oppositely of each other. It is clear that the cylinders of Chatenay épouse Compagnone when in fluid communication with the pump do not provide for this opposite and equal movement. Therefore, it can be seen that the Chatenay épouse Compagnone reference fails to disclose each and every element of claims 1 through 4.

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With respect to claim 5 rejected under 35 U.S.C. § 102 and claims 6 through 8 rejected under 35 U.S.C. § 103, these claims require the cylinders to be interconnected so that fluid may flow from one cylinder to the other. The reference does not disclose such a structure and it seems clear that if the motor 35 were replaced by a pump to operate the hydraulic embodiment, the cylinders would not be interconnected but would be connected through the agency of the pump to a reservoir. Furthermore, the examiner has not stated a rationale of just why it would have been obvious to interconnect the cylinders of Chatenay épouse Compagnone. Since the examiner's rejections of claims 5 through 8 do not rest on a sound evidentiary basis, we are constrained to reverse these rejections.

SUMMARY

The rejections of claims 1 through 8 are reversed.

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REVERSED

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| | WILLIAM F. PATE, III |) | |
| | Administrative Patent Judge |) | |
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| | |) | BOARD OF |
| PATENT | |) | |
| | JEFFREY V. NASE |) | APPEALS AND |
| | Administrative Patent Judge |) | |
| INTERFERENCES | |) | |
| | |) | |
| | |) | |
| | MURRIEL E. CRAWFORD |) | |
| | Administrative Patent Judge |) | |

WFP:psb

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